

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

WILLIAM WITKOWSKI,

Defendant.

NO. CR16-5311BHS

ORDER GRANTING FOURTH JOINT  
MOTION TO CONTINUE TRIAL AND  
PRETRIAL MOTIONS DATES

This matter comes before the Court on the Fourth Joint Motion to Continue Trial Date and Pretrial Motions Date. The Court, having considered the joint motion and being familiar with the file, makes the following findings of fact and conclusions of law:

1. The Defendant is in Washington State custody and is awaiting resolution of state court matters, including an interlocutory appeal and subsequent trial in Pierce County Superior Court cause number 15-1-04375-9.
2. Defendant's state custody, and his necessary preparation for his state matter with different counsel, hampers his ability to prepare for his federal trial in this matter.
3. The outcome of that state matter may affect the pending federal charges.
4. Any period of delay resulting from other proceedings concerning the defendant, including but not limited to delay resulting from trial with respect to other charges against the defendant, and delay resulting from

any interlocutory appeal, constitutes excludable time under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(B) and (C).

5. Taking into account the exercise of due diligence, a continuance is necessary to allow the defense the reasonable time for effective preparation and to ensure continuity of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued from February 13, 2018 to May 22, 2018, at 9:00 a.m. The resulting period of delay from January 10, 2018 to May 22, 2018, is hereby excluded for speedy trial purposes under 18 U.S.C. §§ 3161(h)(1)(B), 3161(h)(1)(C), and 3161(h)(7)(B)(iv).

Pretrial motions are due no later than April 12, 2018. Pretrial conference is set for May 14, 2018 at 1:30 p.m.

DATED this 17<sup>th</sup> day of January, 2018.



BENJAMIN H. SETTLE  
United States District Judge

Submitted by:

s/Gregory A. Gruber  
GREGORY A. GRUBER  
Assistant United States Attorney